



10 DEC 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Eugene C. Rzucidlo
Greenberg Traurig, LLP
885 Third Avenue
New York, NY 10022

In re Application of
TOMI, Hironori et al.
U.S. Application No.: 10/031,650
PCT No.: PCT/JP00/02940
Int. Filing Date: 09 May 2000
Priority Date: 10 May 1999
Attorney Docket No.: 4432.013600
For: COMPOSITION FOR RECOVERING
HYPOFERTILITY

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Petition," filed with the United States Patent and Trademark Office on 12 April 2002.

BACKGROUND

On 09 May 2000, applicant filed international application PCT/JP00/02940. A Demand for international preliminary examination, in which the United States was elected, was filed on 13 November 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 13 November 2001 (10 November 2001 was a Saturday and 12 November 2001 was a holiday).

On 09 November 2001, applicants submitted a transmittal letter for entry into the national stage in the United States accompanied by the basic national fee. The papers were assigned application number 10/013,650.

On 10 January 2002, applicants sent a petition under 37 CFR 1.10(e) accompanied by a copy of the application papers originally submitted 09 November 2001. These papers were assigned application number 10/031,101.

On 12 April 2002, applicants submitted the instant petition to cancel application number 10/031,101 and for a refund of the fees paid in 10/031,101.

DISCUSSION

The papers filed on 10 January 2002 should have been considered a petition under 37 CFR 1.10(e). The papers filed 10 January 2002 were processed on 23 January 2002. The papers filed on 09 November 2001 were processed on 28 January 2002. The end result for an international application designating the United States of America is a single U.S. national stage application.

Application Number 10/031,101 has been cancelled. All the papers from 10/031,101 have been transferred to the file of application number 10/031,650.


The \$1350 paid in application number 10/031,101 will be credited to Deposit Account 50-1561.

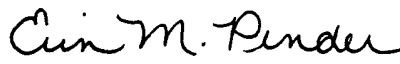
CONCLUSION

The Petition Under 37 CFR 1.181 to refund the fees and cancel application 10/031,101 is **GRANTED**.

The Petition Under 37 CFR 1.10(e) is **DISMISSED AS MOOT**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further national stage processing, including refund of the fees paid with respect to the 10/031,101 application. Applicant should use application number 10/031,650 in all future communications with the Patent and Trademark Office regarding the U.S. National stage of international application PCT/JP00/02940.


Richard Cole
PCT Legal Examiner
PCT Legal Administration


Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 703-305-0455
Facsimile: 703-308-6459